Safe Seniors

Newsletter for the Prevention of Elder Abuse in San Diego County



CONSUMER PROTECTION DAY -- Barry Minkow, a former con artist turned minister, was the keynote speaker for this year's Consumer Protection Day, spearheaded by the District Attorney's office and the County of San Diego. Minkow shared the ways that con artists manipulate seniors and others to steal their identity and their money. Approximately 1,200 people attended the event, which also included panels on identity theft and financial elder abuse, plus 40 consumer protection exhibitors, such as the Privacy Rights Clearinghouse and the Federal Trade Commission. Other sponsors were AARP, Elder Law & Advocacy, the California Department of Consumer Affairs, the City of San Diego Attorney's office and the Town & Country Resort.

County Collaborates to Identify Suspicious Older Adult Deaths

By Dawn Gibbons-McWayne
Adult Protective Services/Aging & Independence Services

When an elderly person dies, the belief is usually that he or she died of natural causes. The problem of elder deaths that are the result from abuse or neglect is a problem that is largely unrecognized by society. Identifying and prosecuting such elder deaths becomes especially difficult because the crime might not be recognized for days, weeks, or even months after the individual dies, leaving little physical evidence. The San Diego County Elder Death Review Team (EDRT) is charged with making recommendations to reduce the incidence of elder abuse and neglect as well as increase the prosecution of any crimes relating to these deaths. Out of collaboration that is a part of the EDRT came the Medical Examiner Review Team (MERT). MERT is an innovative model, one of the first of its kind in the nation. MERT was designed to identify suspicious

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Tips for Investors

Con Artists Rely on Your Manners

From the North American Securities Administrators Association, Inc.

First the bad news: If you are an older investor, you are a top target for con artists. The files of state securities agencies are filled with tragic examples of senior investors who have been cheated out of savings, windfall insurance payments, and even the equity in their own homes.

Now the good news: You can avoid becoming a victim by these 10 self-defense tips developed for seniors:

- **1. Don't be a courtesy victim.** Con artists will not hesitate to exploit your good manners. Save your good manners for friends and family members, not strangers looking for a buck!
- 2. Check out strangers touting strange deals. Trusting strangers is a mistake anyone can make when it comes to their personal finances. Say "no" to any investment professional who presses you to make an immediate decision, giving you no opportunity to check out the salesperson, firm and the investment opportunity itself. Extensive background information on investment salespeople and firms is available from the California Department of Corporations, 1515 K St., Sacramento, CA 95814-4052, or call (916) 445-7205.
- **3.** Always stay in charge of your money. Beware of anyone who suggests investing your money into something you don't understand or who urges that you leave everything in his or her hands.
- **4. Don't judge a book by its cover.** Successful con artists sound and look extremely professional and have the ability to make even the flimsiest investment deal sound as safe and sound as putting money in the bank. The sound of a voice, particularly on the phone, has no bearing on the soundness of an investment opportunity.
- 5. Watch out for salespeople who prey on your fears. Con artists know that you worry about either outliving your savings or seeing all of your financial resources vanish overnight as the result of a catastrophic event, such as a costly hospitalization. Fear can cloud your good judgment. An investment that is right for you will make sense because you understand it and feel comfortable with the risk involved.
- **6. Don't make a tragedy worse with rash financial decisions**. The death or hospitalization of a spouse has many sad consequences -- financial fraud shouldn't be one

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Elder Abuse Prosecutions

District Attorney's Office

Griselda Angelica Delacruz: Sentenced to two years in state prison for elder financial abuse. As a paid caregiver, the defendant stole property from elderly victims and pawned them. She also forged checks. This case involved six victims, one of which lost \$13,000 in stolen jewelry.

In a different case, this same defendant worked as a caregiver for a 90-year-old woman who had been diagnosed with dementia. This defendant opened a credit card account and listed herself as a joint cardholder, and had three items shipped to her post-office box from the Home Shopping Network.

Myra Gail Madrid: Sentenced to 16 months in state prison for elder financial abuse. The defendant made three separate wire transfers for a total of \$881 using an elderly couple's credit card without their permission. The victims in the case knew the defendant because she dates their son. The defendant initially denied, then later admitted she committed the crimes.

City Attorney's Office

Catherine Reed: Pled guilty to assault by means likely to produce

great bodily injury, and attempting to prevent a victim from making a report of a crime. The victims were her parents. She was sentenced to three years of probation, 90 days in jail, elder abuse counseling, a stay-away order from the victims, restricted from owning any firearms, and ordered to pay restitution.

Maria Martinez: Pled guilty to misdemeanor elder abuse against her mother. She was sentenced to three years of probation, 20 days of public service, anger management counseling, substance abuse treatment, a stay-away order from the victim, ordered not to possess any firearms, and ordered to pay restitution.

Jaswant Kooner: Pled guilty to battery against his wife and was sentenced to three years of probation, ordered to attend counseling. The court issued a no-negative contact order with the victim, and he is restricted from owning a firearm.

Daniel Walker: Pled guilty to battery against his mother. He was sentenced to three years of probation, anger management counseling, substance abuse treatment, a stay-away order from the victim, weapons restriction, and ordered to pay restitution.

Ivan Rivera: Pled guilty to misdemeanor elder abuse and battery. The victim was an 80-year-old woman with whom the defendant had been living and acting as her "caretaker." He was sentenced to three years of probation, 180 days in jail, elder abuse counseling, a stay-away order from the victim, restricted from owning any firearm, and ordered to pay restitution.

Julie Cottle: Pled guilty to battery against her mother, and was sentenced to three years of probation, elder abuse counseling, a stay-away order from the victim, restricted from owning firearms, and ordered to pay restitution.

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deaths early and alert authorities to the need for a thorough investigation. These deaths are identified through collaboration between the Medical Examiner's office and Aging & Independence Services, Adult Protective Services (APS).

Each weekday, the M.E.'s office notifies the AIS Call Center and APS of all elder deaths reported to their office in the previous 24 hours. Based on information provided, the Medical Examiner may conduct further investigation to determine whether an autopsy and/or law enforcement intervention is needed.

Elder Abuse Restraining Order:

Court Can Be Utilized to Help Keep Perpetrator Away

By Anthony Chicotel, Esq., and Ashlee K. Schultz Elder Law & Advocacy

What can an elder do to protect against an abusive person? The State of California recognizes the special protections elders deserve by allowing a victim of abuse to obtain an Elder Abuse Restraining Order.

Elder abuse is broadly defined as physical or psychological mistreatment, financial exploitation, or neglect by another person. The failure of a caregiver to provide goods or services to avoid harm or suffering also qualifies as abuse. Elder Abuse Restraining Orders compel a person that is abusing an elder to end the abuse in a number of ways. The abusive person can be prohibited from contacting the elder or from doing specifically offensive activities.

Restraining orders can also remove the offender from the elder's home (also known as a "move-out" order), or compel the offender to stay away from the elder (a "stay-away" order). Finally, a restraining order can force the offender to relinquish a firearm.

Restraining orders may be issued by a judge on an emergency, temporary, or permanent basis.

To qualify for a restraining order, the elder merely needs to show that he or she is at least 65 years of age or is a dependent adult, and that he or she is being abused. Victims or their friends or family should immediately call the police for assistance regarding any emergency situation. For other situations, call Elder Law & Advocacy at (858) 565-1392. All services are provided free of charge.

Status of California Elder Abuse Legislation

AB 1363 (Jones): Commencing Jan. 1, 2008, this bill would require professional conservators and guardians to be licensed and would prohibit a court from appointing nonlicensed professional conservators and guardians. The bill would create the California Board of Conservators and Guardians in the Department of Consumer Affairs to enforce and administer the licensing program for professional conservators and guardians. Creates the Professional Fiduciary Fund, for deposit of licensing fees, available for the expenses of the board, upon appropriation. The bill would establish qualifications, including educational and training criteria, for applicants for licensure. Requires the board, among other things, to draft a Fiduciary's Code of Ethics. This measure would require a guardian or conservator to present the account of the assets of the estate of the ward or conservatee to the court not less frequently than annually, rather than once every two years. Establishes a Conservatorship Ombudsman to collect and analyze



data relative to complaints about conservators and to investigate complaints. In Senate committees on Business, Professions and Economic Development, and Judiciary.

AB 2494 (Ridley-Thomas): Authorizes an In-Home Supportive Services provider to receive wages for up to six hours of prescribed training per calendar year if specified conditions are met. Prohibits the training authorized under the bill from counting against assessed hours for a recipient of in-home supportive services. Allows training hours to be

authorized for a provider of in-home supportive services who provides transitional training for another provider. In Assembly Committee on Human Services.

AB 2609 (Evans): Requires that a licensed residential care facility for the elderly ensure that each employee of the facility who assists residents with the self-administration of medications meet specified employee training requirements and to pass an examination. Requires that each facility to maintain certain records and documentation related to that training. Provides a facility require a consultant pharmacist or nurse to review the facility's medication management program and procedures. Passed the Assembly Committee on Human Services. Now in the Committee on Health.

AB 2657 (Bogh): Requires law enforcement agencies to develop a system for recording all calls for assistance made to the agency related to violence against an elder or dependent adult. In Assembly Committee on Aging and Long Term Care.

Some Consumer Protection Contacts to Keep on Hand

| Joine Consumer Froncestion |
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| <u>Credit Bureaus</u> |
| Equifax800-685-5000 |
| Experian <u>www.experian.com</u> 888-397-3742 |
| TransUnion <u>www.transunion.com</u> 800-888-4213 |
| <u>Fraud Protection</u> |
| District Attorney Fraud Unit <u>www.sdcda.org</u> 619-531-3507 |
| DA Insurance Fraud800-315-7672 |
| Internet fraud prevention <u>www.onguardonline.gov</u> |
| SD City Attorneywww.cepu@sandiego.gov619-236-6220 |
| SD Postal Inspector619-233-0610 |
| Elder Abuse |
| Adult Protective Serviceswww.ais-sd.org800-510-2020 |
| Long Term Care Ombudsman800-640-4661 |
| District Attorney's officewww.sdcda.org619-515-8596 |
| CA Attorney Generalwww.caag.state.ca.us800-722-0432 |
| General Consumer Protection |
| CA Bur. Auto Repairwww.autorepair.ca.gov760-439-0942 |
| CA Contractors Bd <u>www.cslb.ca.gov</u> 800-321-2752 |
| CA Dept. Consumer Affairs <u>www.dca.ca.gov</u> 800-952-5210 |
| |

CA Dept. Health Services...www.dhs.ca.gov...916-445-4171

Elder Law & Advoc....<u>www.seniorlaw-sd.org</u>...858-565-1392 SD County Bar Assoc......www.sdcba.org.....619-231-0781





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of them. Ask a con artist to describe his ideal victim and you are likely to hear the following two words: "elderly widow." If you find yourself suddenly in charge of your own finances, get the facts before you make any decisions. Local libraries and universities may offer classes and information on investing. Talk to friends, family, trade organizations, and state or provincial securities regulators for advice on locating a financial professional and checking their background. An insurance settlement may help with expenses but it also makes you an ideal target for fraud.

- 7. Monitor your investments and ask tough questions. Don't compound the mistake of trusting an unscrupulous investment professional by failing to keep an eye on the progress of your investment. Insist on regular written reports. Look for signs of excessive or unauthorized trading of your funds. Don't let a false sense of friendship or trust keep you from demanding a routine statement.
- 8. Look for trouble retrieving your principal or cashing out profits. If a stockbroker, financial planner or other individual with whom you have invested stalls you when you want to pull out your principal or profits, you have uncovered someone who wants to cheat you. Some kinds of investments have certain periods when you cannot with-

draw your funds, but you must be made aware of these kinds of restrictions before you invest.

- 9. Don't let embarrassment or fear keep you from reporting investment fraud or abuse. Con artists know that you might hesitate to report that you have been victimized in financial schemes out of embarrassment or fear. Con artists prey on your sensitivities and, in fact, count on these fears preventing or delaying the point at which authorities are notified of a scam. Every day that you delay reporting fraud or abuse is one more day that the con artist is spending your money and finding new victims.
- 10. Beware of "reload" scams. If you are already the victim of an investment scam, don't compound the damage by letting con artists "reload" and take a "second bite" of your assets. Con artists know you have a finite amount of money. Faced with a loss of funds, some seniors who have been victimized once will go along with another scheme in which the con artists promise to make good on the original funds lost ... and possibly even generate new returns beyond those originally promised. Though the desire to make up lost financial ground is understandable, all too often the result is that you lose whatever savings you had left in the wake of the initial scam.